

SN 09/882,788

Art Unit: 1772

IN THE CLAIMS

AMENDMENTS TO THE CLAIMS:

Please amend the claims as follows:

1. (previously presented): A composite synthetic paper shelf liner comprising: a sheet of synthetic paper, having on a first side a layer comprising a silicone polymeric material, and having on a second side a layer of a repositionable adhesive.
2. (original) The composite synthetic paper shelf liner of claim 1 further comprising a layer of a tie coating between the synthetic paper and the layer of repositionable adhesive.
3. (canceled)
4. (original) The composite synthetic paper shelf liner of claim 1 wherein the synthetic paper has a tensile strength of at least 1000 pounds per square inch in the machine and cross-machine directions.
5. (original) The composite synthetic paper shelf liner of claim 4 wherein the tensile strength is at least 1500 pounds per square inch in the machine and cross-machine direction.
6. (original) The composite synthetic paper shelf liner of claim 4 wherein the synthetic paper comprises a film.
7. (original) The composite synthetic paper shelf liner of claim 1 wherein the synthetic

SN 09/882,788

Art Unit: 1772

paper has a thickness of from 80 to 150 microns.

8. (original) The composite synthetic paper shelf liner of claim 1 wherein the synthetic paper comprises a polyolefin or a copolyolefin.
9. (original) The composite synthetic paper shelf liner of claim 8 wherein the synthetic paper comprises a copolyolefin.
10. (original) The composite synthetic paper shelf liner of claim 9 wherein the synthetic paper comprises copolypropylene.
11. (original) The composite synthetic paper shelf liner of claim 2 wherein the tie coating comprises a polyethyleneimine.
12. (original) The composite synthetic paper shelf liner of claim 1 wherein the repositionable adhesive comprises a pressure sensitive acrylic adhesive.
13. (currently amended) The composite synthetic paper shelf liner of claim 2 wherein the repositionable adhesive comprises a pressure [sensitive] sensitive acrylic adhesive.
14. (original) A combination of a horizontal surface and the shelf liner of claim 1.
15. (original) A method of covering a horizontal surface which comprises applying the shelf liner of claim 1 to the horizontal surface.
16. (original) The composite synthetic paper shelf liner of claim 1 in the form of a roll.

SN 09/882,788

Art Unit: 1772

17. (currently amended) The composite synthetic paper shelf liner of claim 16 wherein the shelf liner does not contain a release sheet to prevent contact between the adhesive and the first surface [life] of the shelf liner.
18. (new) The shelf liner of claim 1 wherein the silicone material comprises a cross-linked silicone polymer.
19. (new) The shelf liner of claim 1 wherein the synthetic paper comprises a continuous film.

SN 09/882,788

Art Unit: 1772

DISCUSSION

Claim 13 has been amended to correct an obvious error in the claim.

Claim 17 has been amended to correct an obvious error in the claim noted by the Examiner.

New claim 18 has been entered to claim a shelf liner in which the silicone polymeric material is cross-linked (see page 9, lines 9, 10).

Claim 19 has been entered to claim a shelf liner in which the synthetic paper comprises a continuous film (page 3, line 13).

Before discussing the rejections over the prior art, applicants deem it prudent to set forth what they consider to be their invention. The invention is a composite sheet useful as a shelf liner comprising a synthetic paper having on a first side, a layer of a silicone polymeric material and on a second side, a layer of a repositionable adhesive. The synthetic paper useful in the practice of the present invention preferably has the hand flexibility and printing qualities of cellulose fiber paper but is tougher, stronger and does not absorb water.

Claims 1, 8-10, 12 and 14-17 stand rejected under 35 U.S.C. 103(a) as unpatentable over Friedland et al. (US 6,238,762) in view of Aoki et al. (US 3,808,091). Applicants submit that the combination of Friedland et al. and Aoki et al. neither teach nor suggest the present invention.

Friedland et al. disclose a selectively tearable covering sheet comprising a flexible sheet of a predetermined size and thickness having a rectangular grid of yield lines having perforations which extend through the sheet at intersections of the yield lines. The arrangement permits tearing of the sheet to accommodate the size of the surface to which the sheet is applied.

The covering sheet of Friedland et al need only be flexible. There is no teaching or suggestion that the sheet comprise a synthetic paper. As is well known in the art, synthetic paper is designed to have properties not possessed by ordinary polymer films. Synthetic paper was developed to have properties of cellulose fiber paper without the water

SN 09/882,788

Art Unit: 1772

absorbing properties. That is, synthetic paper has the flexibility, hand and printing qualities of fiber paper but additionally is generally stronger and non-absorbent. There is neither teaching nor suggestion that the Friedland et al. film comprise synthetic paper.

The deficiencies in Friedland et al. are not cured by combination with Aoki et al. Aoki et al. is directed to a method for making synthetic paper. Applicants submit that synthetic paper is well known in the art and is available commercially. As shown by Aoki et al., synthetic paper was known at least as early as 1971. However, no one skilled in the art, until the present invention, envisioned the advantages and unexpected properties of a shelf liner structure where synthetic paper is substituted for cellulose fibrous paper. The use of synthetic paper provides a liner which can be thinner, yet as strong as fiber paper liner due to the strength of synthetic paper, be non-absorbent and more resistant to attack by mold and mildew.

A shelf liner formed from synthetic paper has different handling properties than a shelf liner formed from an ordinary plastic film. The use of synthetic paper provides a shelf liner with the tactile properties of a cellulose fiber paper shelf liner, with which consumers are familiar, but provides the non-absorptive and mold and mildew resistance properties of a plastic film.

Applicants submit that the fact that synthetic paper was known for at least 30 years before the present invention and no one skilled in the art recognized the unexpected advantages of using synthetic paper in a shelf liner, would indicate that the invention is not obvious.

Applicants submit that a rejection based on Friedland et al. in view of Aoki et al. is untenable and requests that the rejection be reconsidered and withdrawn.

Claims 4-7 stand rejected under 35 U.S.C. §103(a) as unpatentable over Friedland et al. in view of Aoki et al. and further in view of Shepherd (U.S. 6,025,058). Applicants submit that Friedland et al., Aoki et al. and Shepherd whether considered alone or in combination neither teach nor suggest the present invention.

Friedland et al. and Aoki et al. have been discussed in detail above. The

SN 09/882,788

Art Unit: 1772

deficiencies in the teachings of the references are not cured by Shepherd. Shepherd discloses a composite film having at least one surface with improved printability. The film has at least two layers with the topmost or outer layer having included therein silica to improve ink absorbability of the surface. The composite film can have some of the attributes of paper. The composite film has a cellular core or base layer. Applicants submit that synthetic paper is old in the paper art. However, it has never been applied to a shelf liner.

One skilled in the art would not combine the teachings of Shepherd with Friedland et al. and Aoki et al. to arrive at the structure of the shelf liner of the present invention.

Shepherd provides a laminated structure having an outer layer comprising finely divided silica to provide a surface which is absorptive and provides improved adhesion. One skilled in the art would not coat the Shepherd structure with a silicone resin to reduce the absorption and adhesion properties of the surface and destroy the intent of the invention.

Applicants submit that there is no motivation to combine Shepherd with Friedland et al. and Aoki et al. to arrive at the present invention. To provide the shelf liner of the present invention, one skilled in the art would have to modify the teaching of Shepherd in a way which would be contrary to Shepherd's teachings. Applicants submit that to form a rejection based on a combination of references, there must be some common thread which connects the references. In the rejection of Friedland et al. in view of Aoki et al. and Shepherd, there is no common thread which connects the references to provide a basis for a rejection. Applicants respectfully request that the rejection be reconsidered and withdrawn.

Claims 2, 11 and 13 stand rejected under 35 U.S.C. 103(a) over Friedland et al. in view of Aoki et al. and further in view of Ito et al. (U.S. 4,623,587). Applicants submit that the combination of references neither teaches nor suggests the invention as claimed.

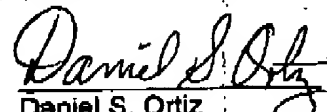
SN 09/882,788
Art Unit: 1772

Ito et al. discloses a film or sheet formed of at least two layers of particularly defined polymers. The particular polymers are required to provide good heat sealability, good bonding between layers, improved heat resistance, good mechanical strength and rigidity (see col. 2, lines 17-18; col. 5, lines 36-38; and col. 6, lines 45, 46. Nowhere in Ito et al. is the film described as a synthetic paper.

The two layer film of the particular polymers can be laminated to a film or sheet of synthetic resin, paper, cellophane, or aluminum foil. At times, depending on the nature of the base material which is to be bonded to the two layer film, it may be preferable to treat the surface of the base layer with an anchor coating agent which can be polyethyleneimine

However, Ito et al. does not cure the deficiencies in the combination of Friedland et al. with Aoki et al. and would not lead one to the present invention since there is no teaching nor suggestion to combine the rigid films of Ito et al. with the synthetic paper of Aoki et al. and the perforated covering sheet of Friedland to arrive at the present invention. Applicants request favorable reconsideration of the claims in their amended form.

Respectfully submitted,


Daniel S. Ortiz
(Reg. No. 25,123)
Attorney for Applicants
(610) 278-4934

Henkel Corporation
Law Department
2200 Renaissance Boulevard, Suite 200
Gulph Mills, PA 19406